

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MISLE PROPERTIES, LLC,**

**Plaintiff,**

**vs.**

**LBUBS 2004-C2 CRANBERRY RETAIL  
GP, LLC, trading as LBUBS 2004-C2  
CRANBERRY RETAIL LIMITED  
PARTNERSHIP; LNR PARTNERS, LLC;  
ROE, INC., r/n/u; and DOE, LLC, r/n/u;**

**Defendants.**

**4:18CV3121**

**AMENDED  
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Joint Motion to Extend Case Progression Order ([Filing No. 59](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Joint Motion to Extend Case Progression Order ([Filing No. 59](#)) is granted, and the amended final progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is **July 17, 2020**. Motions to compel written discovery under Rules 33, 34, 36 and 45 must be filed by **August 3, 2020**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The status conference scheduled for May 11, 2020 is cancelled. A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **August 10, 2020, at 11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- 3) The deadlines for identifying and completing expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	<b>August 18, 2020</b>
For the defendant:	<b>September 25, 2020</b>

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **November 13, 2020**.
- 5) The status conference scheduled for August 21, 2020 is cancelled. A status conference to discuss dispositive motions, the pretrial conference and trial dates, and settlement status will be held with the undersigned magistrate judge on **November 16, 2020, at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **January 15, 2021**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 15, 2021**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 20<sup>th</sup> day of April, 2020.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.